

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

PATRICK L. HARRIS,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

DOCKET NUMBER WD78102

Date: November 24, 2015

Appeal from:
Cole County Circuit Court
The Honorable Patricia S. Joyce, Judge

Appellate Judges:
Division Four: Alok Ahuja, C.J., P.J., Victor C. Howard and Gary D. Witt, JJ.

Attorneys:
Rosalynn Koch, Columbia, MO for appellant
Rachel S. Flaster, Jefferson City, for respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

PATRICK L. HARRIS

Appellant,

v.

STATE OF MISSOURI,

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WD78102

Cole County

Following a jury trial, Patrick Harris was convicted in the Circuit Court of Cole County of multiple charges arising from an armed robbery in Jefferson City in October 2009. After his conviction and an unsuccessful direct appeal, Harris filed a motion for post-conviction relief under Supreme Court Rule 29.15. His motion alleged, among other things, that his trial counsel was ineffective for not moving to suppress inculpatory statements Harris made immediately after his arrest, while he was injured with a gunshot wound to his left hand, and before he received professional medical treatment for the injury.

The circuit court denied Harris' motion following an evidentiary hearing, concluding that "there was no way to keep the statements out of the case[,] and that there "was absolutely no basis for such a motion [to suppress Harris' statements]." Harris appeals.

AFFIRMED.

Division Four holds:

The evidence indicates that Harris was able to flee from the robbery scene, break into an apartment to conceal himself, clean and dress his wound, attempt to start a load of laundry, hide himself and then emerge when instructed, and attempt to evade responsibility by initially giving police a false account of the cause of his injury. There is no indication in the trial testimony that Harris was suffering from, or complaining of, serious pain.

Thus, Harris' claim is simply that his statements should have been suppressed because he had suffered a gunshot wound to his left hand which had not been professionally treated. This is not the law, however. There is no constitutional prohibition against a seriously injured person making a voluntary confession to the commission of a crime, unless there is evidence to indicate that the individual's injuries and consequent pain were so severe that his will to resist questioning was overborne. The mere fact that Harris had been injured is insufficient to show that his waiver of his *Miranda* rights was unknowing and involuntary, and that his statements should accordingly be suppressed. Harris was required to make some further showing that his physical condition rendered him incapable of making a free and intelligent decision to waive his rights and confess. He failed to do so.

Before: Division Four: Alok Ahuja, C.J., P.J., Victor C. Howard and Gary D. Witt, JJ.

Opinion by: Alok Ahuja, Judge

November 24, 2015

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